



March 19, 2003

ENGROSSED HOUSE BILL No. 1077

DIGEST OF HB 1077 (Updated March 18, 2003 11:05 AM - DI 106)

Citations Affected: IC 35-46; noncode.

Synopsis: Law enforcement, service, and search and rescue animals. Increases penalties for causing serious injury to or the death of a law enforcement animal or service animal. Creates penalties for causing injury to or death of a search and rescue dog.

Effective: July 1, 2003.

Reske, Koch, Chowning, Heim

(SENATE SPONSORS — LONG, LANANE, SKINNER)

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.
February 6, 2003, amended, reported — Do Pass.
February 18, 2003, read second time, amended, ordered engrossed.
February 19, 2003, engrossed.
February 20, 2003, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 27, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.
March 18, 2003, reported favorably — Do Pass.

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March 19, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1077

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-3-4.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) As used in this
3 chapter, "law enforcement animal" means an animal that is owned or
4 used by a law enforcement agency for the principal purposes of:
5 (1) aiding in:
6 (A) the detection of criminal activity;
7 (B) the enforcement of laws; and
8 (C) the apprehension of offenders; and
9 (2) ensuring the public welfare.
10 (b) The term includes, but is not limited to, the following:
11 (1) A horse.
12 (2) An arson investigation dog.
13 (3) A bomb detection dog.
14 (4) A narcotic detection dog.
15 (5) A patrol dog.
16 ~~(6) A search and rescue dog.~~
17 ~~(7) A tracking dog.~~

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SECTION 2. IC 35-46-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) A person who knowingly or intentionally:

- (1) strikes, torments, injures, or otherwise mistreats a law enforcement animal; or
 - (2) interferes with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer in the performance of the officer's duties;
- commits a Class A misdemeanor.

(b) **An offense under subsection (a)(1) is a Class D felony if the act results in:**

- (1) serious permanent disfigurement;**
- (2) unconsciousness;**
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or**
- (4) death;**

of the law enforcement animal.

(c) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or discipline; and
- (2) acted as an employee or agent of a law enforcement agency.

(~~e~~) (d) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person convicted to make restitution to the person or law enforcement agency owning the animal for reimbursement of:

- (1) veterinary bills; and
- (2) replacement costs of the animal if the animal is disabled or killed.

SECTION 3. IC 35-46-3-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11.3. (a) As used in this section, "search and rescue dog" means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.**

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or**
 - (2) strikes, torments, injures, or otherwise mistreats a search and rescue dog;**
- commits a Class A misdemeanor.**



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(c) An offense under subsection (b)(2) is a Class D felony if the act results in:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
- (4) death;

of the search and rescue dog.

(d) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or
- (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

(e) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:

- (1) veterinary bills; and
- (2) replacement costs of the dog if the dog is disabled or killed.

SECTION 4. IC 35-46-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11.5. (a) As used in this section, "service animal" means an animal that a person who is impaired by:

- (1) blindness or any other visual impairment;
- (2) deafness or any other aural impairment;
- (3) a physical disability; or
- (4) a medical condition;

relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a service animal; or
- (2) strikes, torments, injures, or otherwise mistreats a service animal;

while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A ~~infraction~~ **misdemeanor**.

(c) An offense under subsection (b)(2) is a Class D felony if the act results in the:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or



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1 **(4) death;**
2 **of the service animal.**

3 **(d)** It is a defense that the accused person:

4 (1) engaged in a reasonable act of training, handling, or
5 disciplining the service animal; or

6 (2) reasonably believed the conduct was necessary to prevent
7 injury to the accused person or another person.

8 SECTION 5. [EFFECTIVE JULY 1, 2003] **IC 35-46-3-11 and**
9 **IC 35-46-3-11.5, both as amended by this act, and IC 35-46-3-11.3,**
10 **as added by this act, apply only to offenses committed after June**
11 **30, 2003.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1077, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 35-46-3-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11.5. (a) As used in this section, "service animal" means an animal that a person who is impaired by:

- (1) blindness or any other visual impairment;
- (2) deafness or any other aural impairment;
- (3) a physical disability; or
- (4) a medical condition;

relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a service animal; or
- (2) strikes, torments, injures, or otherwise mistreats a service animal;

while the service animal is engaged in assisting an impaired person described in subsection (a) commits a Class A ~~infraction~~ **misdemeanor**.

(c) **An offense under subsection (b)(2) is a Class D felony if the act results in the:**

- (1) serious permanent disfigurement;**
- (2) unconsciousness;**
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or**
- (4) death;**

of the service animal.

(d) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or disciplining the service animal; or
- (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person."

Page 2, line 13, delete "IC 35-46-3-11," and insert "**IC 35-46-3-11 and IC 35-46-3-11.5, both**".

Page 2, line 14, delete "applies" and insert "**apply only**".

Page 2, line 15, delete "1993." and insert "**2003**."

Renumber all SECTIONS consecutively.

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and when so amended that said bill do pass.

(Reference is to HB 1077 as introduced.)

WEINZAPFEL, Chair

Committee Vote: yeas 13, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1077 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-46-3-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) As used in this chapter, "law enforcement animal" means an animal that is owned or used by a law enforcement agency for the principal purposes of:

- (1) aiding in:
 - (A) the detection of criminal activity;
 - (B) the enforcement of laws; and
 - (C) the apprehension of offenders; and
- (2) ensuring the public welfare.
- (b) The term includes, but is not limited to, the following:
 - (1) A horse.
 - (2) An arson investigation dog.
 - (3) A bomb detection dog.
 - (4) A narcotic detection dog.
 - (5) A patrol dog.
 - ~~(6) A search and rescue dog.~~
 - ~~(7) A tracking dog."~~

Page 1, line 13, delete "or".

Page 1, line 15, after "," insert "or".

Page 1, between lines 15 and 16, begin a new line block indented and insert:

"(4) death;".

Page 1, line 16, delete "The offense is a Class C felony if".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 35-46-3-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11.3. (a) As used in this section, "search and rescue dog" means a dog that receives special training to locate or attempt to locate by air scent or ground or water tracking a person who is an offender or is lost, trapped, injured, or incapacitated.

(b) A person who knowingly or intentionally:

- (1) interferes with the actions of a search and rescue dog while the dog is performing or is attempting to perform a search and rescue task; or

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(2) strikes, torments, injures, or otherwise mistreats a search and rescue dog;
commits a Class A misdemeanor.

(c) An offense under subsection (b)(2) is a Class D felony if the act results in:

- (1) serious permanent disfigurement;
- (2) unconsciousness;
- (3) permanent or protracted loss or impairment of the function of a bodily member or organ; or
- (4) death;

of the search and rescue dog.

(d) It is a defense that the accused person:

- (1) engaged in a reasonable act of training, handling, or disciplining the search and rescue dog; or
- (2) reasonably believed the conduct was necessary to prevent injury to the accused person or another person.

(e) In addition to any sentence or fine imposed for a conviction of an offense under this section, the court may order the person to make restitution to the person who owns the search and rescue dog for reimbursement of:

- (1) veterinary bills; and
- (2) replacement costs of the dog if the dog is disabled or killed."

Page 3, line 2, after "act," insert "and IC 35-46-3-11.3, as added by this act,".

Renumber all SECTIONS consecutively.

(Reference is to HB 1077 as printed February 7, 2003)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1077, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1077 as reprinted February 19, 2003.)

LONG, Chairperson

Committee Vote: Yeas 5, Nays 3.

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